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	Filing Date	12/20/2000	
	First Named Inventor	Robert A. Luciano, Jr.	
	Art Unit	3713	
	Examiner Name	Y. Cherubin	
Total Number of Pages in This Submission	13	Attorney Docket Number	GSS-00-001

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Attorney Docket Number: GSS-00-001

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Response

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ROBERT A. LUCIANO et al.

Ser. No.: 09/742,679

Filed: December 20, 2000

For: APPARATUS AND METHOD
FOR MAINTAINING GAME
STATE

Group Art Unit: 3713

Examiner: CHERUBIN, Y.

OFFICE ACTION RESPONSE

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SEP 22 2003

TECHNOLOGY CENTER R3700

Director for Patents
Alexandria, VA 22313

Dear Director:

This communication is responsive to the Office Action sent on 04/09/2003 regarding the above identified application (hereinafter "OA"). In the OA, outstanding claims 92-103 have been rejected under 35 USC §103.

Response To Claims Rejections Under 35 USC §103

The currently pending claims are numbered 92-103. There are three independent claims, 92, 98, and 102, and dependent claims 93-97 (depend from 92), dependent claims 99-101 (depend from 98), and dependent claim 103 (depends from 102).

Applicant will address the 35 USC §103 rejections of the independent claims first. For ease of reference, the three independent claims are reproduced below, with bolding to emphasize certain elements:

92. A gaming device configured to allow a player to **play a game in exchange for a wager in a casino environment**, the gaming device comprising:

a) a ticket printer configured to generate a printed ticket, said printed ticket having indicia thereon to identify a **state of said game**;

b) a ticket reader configured to read said printed ticket and determine said state of said game; and

c) ^aan manager module executed on the gaming device configured to restore said state of said game to said determined state after said ticket reader reads said printed ticket, wherein said determined state does not comprise gaming credits suitable for establishing a wager.

98. A method for maintaining the state of a game on a gaming device configured to allow a player to **play a game in exchange for a wager operating in a casino environment**, said game including a primary game and a secondary game, said method comprising:

- a) determining a **player's state of the secondary game** at the termination of the primary game;
- b) generating a printed ticket, said printed ticket having indicia thereon to identify the ^{player's}~~player~~ **secondary game state**;
- c) dispensing the printed ticket to the player;
- d) receiving the printed ticket from the player;
- e) determining the **player's secondary game state**; and
- f) restoring the **secondary game to the state determined as the player's secondary game state**.

102. A gaming device **operating in a casino environment** comprising:

- a) means for allowing a **player to play a game in exchange for a wager**;
- b) means for determining a **player's game state**;
- c) means for maintaining said **player's game state**; and
- d) means for restoring said **player's game state**.

The independent claims all contain the elements of “operating in a casino environment” and “play ... in exchange for a wager”. These two elements define the present invention as applicable to the domain of games (i) operating in a casino (gambling) environment, and (ii) based on wagering (betting). This set of games are substantively different than arcade games, where no wager-based play occurs. Arcade games are for pay for a time period to play a game, and are not regulated; they are designed, engineered, and run differently than casino gaming machines. Wagering machines, being highly regulated, are not found in arcades. Home entertainment games, the subject of Endo, are even further removed from casino gaming machines than are arcade games.

In home entertainment games, there is no monetary-based exchange of any type; they run on top of traditional open (uncontrolled) hardware and software, typically using a home PC or one of the major game consoles from one of the three largest home game companies. Home games are constructed, engineered, and marketed entirely differently than wager-based gaming machines. Wager-based gaming machines have different internal construction and components than non-wager based games, not the least of which is the hardware and software required to generate wager-based play in a regulated environment, one example being the use of a RNG to determine all or portions of a game outcome in a regulated environment. They are used by different groups of people for different purposes, and have had no common historical commonality. The

game state applicable to each type of product is different and does not overlap; nor does the engineering that is required to make a gaming machine save game state overlap with the engineering done for home PCs (cannot be “borrowed” or simply “redone”). If it could be done easily and betting gaming manufactures thought it would be easy, it would have been a long time ago. But, the casino-wagering gaming machines of the present invention are not home PCs. The present claims are clearly limited to wager-based gaming machines, as that term is used in the casino industry (alternatively, the claims are towards class III gaming machines as that class is defined in IGRA, 25 U.S.C. §§ 2701-2721.

Endo (U.S. Patent 4,752,068) is cited for its game state saving descriptions, where a user of commercially available non-regulated-based games used on a home or business computer may be able to stopped and restarted.

In claim 92, this is used to show a teaching exists for element **“configured to restore said state of said game to said determined state.”**

In claim 102 this is used to show a teaching exists for the element **“player’s game state.”**

In both cases, Applicant can find no teaching to make use of home-PC

applications in regulated wagering gaming machines as used in casinos. If the Examiner disagrees, Applicant respectfully requests specific cites to the teachings.

In claim 98, this doesn't apply at all. Claim 98 addresses secondary games only, with the element "**player's secondary game state**". Endo does not suggest or teach secondary games nor does it teach anything about secondary game states. If the Examiner disagrees with this statement, Applicant respectfully requests specific cites in Endo that discusses or teaches secondary games and secondary game states so Applicant may more fully respond.

Stockdale (U.S. Patent 6,251,014) generally teaches a gaming machine accepting wagers, configured using a peripheral controller to control some or all the functions of various peripherals typically found in a gaming machine, and in particular the top box (prior art to Stockdale had a centralized controller, or single processor controlling all peripherals, in a gaming device). Applicant agrees that Stockdale teaches various peripherals in operation on a gaming machine, in particular printers, where the gaming machine accepts wagers for game input. However, Applicant does not see any teachings or suggestions in Stockdale for saving player game state. If the Examiner disagrees, Applicant respectfully requests specific cites to teachings for savable player game state in Stockdale.

Without a teaching to combine elements found in the plurality of references used to reject currently pending independent claims 92, 98, and 102, the prima facie case for the rejection under 35 USC §103 has not been made. Applicant therefore requests that the 103 rejection of independent claims 92, 98, and 102 be withdrawn ro cites to teachings be provided.

As all dependent claims inherit the limitations of the parent claims from which they depend, and Applicant believes Applicant has shown that the prima facie case of obviousness has not been met for the three pending independent claims, each currently pending dependent claim has also been shown to not be obvious under Endo in light of Stockdale. Applicant therefore requests that the 103 rejections of dependent claims 93-97, 990101, and 103 be withdrawn.

Conclusion

Based on the above remarks, Applicant respectfully submits that all of the presently pending claims are in condition for allowance. Accordingly, Applicant requests consideration for same. Applicant invites the Examiner to contact the representing attorney via phone, prior to a Final Office Action, if the Examiner believes that claims are not considered allowable to discuss allowable subject matter.

Respectfully submitted,

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